

8 IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 16th day of June 1998

BEFORE

THE HON'BLE MR. JUSTICE CHANDRASHEKAR AIAH

W.P.NO. 21850/97

Between:

Sri B.S.Praveen Singh,  
S/o.B.Sathyannarayana  
Singh, major, Buw Owner,  
B.H.Temple Road,  
Ranipet, Hospet-583 201.

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..Petitioner

(Sri Jagadessh Mandargi, Advocate)

And:

1. The City Municipality,  
by its Commissioner,  
Hospet.

2. Circle Inspector of  
Police, Town Police  
Station, Hospet.

3. The Regional Transport  
Officer, by its Secretary,  
Hospet.

4. Moola Karni Ramesh,  
Councillor of City Muni-  
cipality, Police Lane,  
Hospet.

..Respondents

(Sri S.A.Kalagi, for R.1.  
Sri Chandrashekar P. Patil, for R.4.  
Sri K. Nagaraja HCGP for R.1 and R.2)

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Writ petition is filed under Articles 226 and 227 of the Constitution of India praying to quash the notices Annexures B and D dated 20.5.1997 and 3.6.1997 respectively and direct R.1 to R.3 not to restrain the petitioner from parking his buses in the open place belonging to the City Municipality,

Hospet near Sr.Siddi Vinayaka Temple till alternative suitable parking place and halting station is provided for the said purpose to the petitioner as per law.

This petition coming up for preliminary hearing in B group today, the Court made the following:

ORDER

The petitioner is the owner of the buses. The residents of Hospet gave number of representations to the first respondent-Municipality requesting the Municipality to prevent the petitioner from parking his buses near Siddi Vinayaka Temple, Hospet. The Municipality after considering the said representations and in view of the fact that parking of the busses would cause inconvenience to the persons who come there to collect water from the borewell issued a notice dated 20.5.1997 directing the petitioner not to park his buses in that area. Thereafter the Regional Transport officer<sup>also</sup> has issued a notice dated 3.6.1997 directing the petitioner not to park his vehicles for picking up of passengers near Siddi Vinayaka Temple, Hospet. These notices are under challenge in this writ petition.

2. Admittedly, the area nearby Siddi Vinayaka Temple is not a bus stand. Further, there is a borewell in that area. Too many womenfolk used to

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come to that borewell ~~near~~ to collect water. The parking of buses nearby that borewell necessarily causes inconvenience to the womenfolk who come to that borewell. Therefore, taking into consideration all these facts, the Municipality was right in issuing the notice calling upon the petitioner not to park his buses in that area. The Regional Transport Officer also has issued a notice to the petitioner not to park his buses as he has not obtained any permission from the municipal authorities to park his buses. Since the area near Siddi Vinayaka Temple is not declared as a bus stand the petitioner has no legal right to park his buses near that temple. In the absence of any such legal right the petitioner is not entitled for any relief in this writ petition.

3. In the result, I pass the following order:  
Writ petition is rejected.

Sd/-  
JUDGE

G/2906

